

IN RE: PETITION FOR ZONING VARIANCE
401 Silver Spring Road
4211 Garland Avenue
11th Election District
5th Councilmanic District
Laurence F. Richmond, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1801.2.C.4 to allow a side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 12 feet in lieu of the required 20 feet and to amend the 2nd Amended Final Development Plan of Silvergate South Addition, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Mr. Laurence F. Richmond, Jr., appeared and testified. There were no Protestants.

Testimony and evidence indicated that the subject property known as 4211 Garland Avenue, consists of approximately .17 acres +/-, zoned D.R.5.5 and is improved with a single family dwelling.

The Petitioner testified that he is desirous of constructing the proposed addition indicated on Petitioners' Exhibit 1 to create an additional bedroom to accommodate his growing family. The Petitioner testified that in view of the layout of his property, the proposed location of the addition is the only practical location.

Testimony indicated that the Petitioner's neighbors have no objection with the proposed addition.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the

relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of Nov., 1989 that the Petition for a Zoning Variance from Section 1801.2.C.4 to allow a side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 18 feet in lieu of the required 20 feet and to amend the 2nd Amended Final Development Plan of Silvergate South Addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 9, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Laurence F. Richmond, Jr.
4211 Garland Avenue
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 90-143-A

Dear Mr. and Mrs. Richmond:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.4 to permit a side yard setback of 10 feet in lieu of the required 12 feet and a sum of side yard width of 18 feet in lieu of the required 20 feet and to amend the 2nd Amended Final Development Plan of Silvergate South Addition, as more particularly described on Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. Physical constraints along the back of house (large windowed area and basement entrance) restrict placement of proposed 16'x14' addition.
2. Interference with replacement of the existing metal porch with a 6'x15' wood porch/deck which will join the proposed 16'x14' addition.
3. Size and location of proposed addition optimizes use of property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(Type or Print Name)

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City and State

Attorney's Telephone No.:

(Type or Print Name)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 5, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Lawrence Fenby Richmond
4211 Garland Avenue
Baltimore, MD 21236

RE: Item No. 6, Case No. 20-143-A
Petitioner: Lawrence F. Richmond, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Richmond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosure are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3393

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
31st day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Lawrence F. Richmond, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: October 5, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Laurence Fenby Richmond, Jr., Item 6
Zoning Petition No. 90-143A 143A J.L.

The petitioner requests a Variance for relief from setback requirements and to amend the Final Development Plan.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

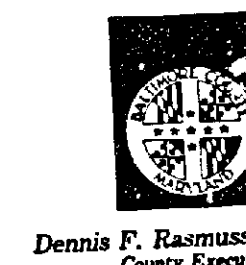
PK/JL/pat

RECEIVED
AUG 8 1989

ZONING OFFICE

July 31, 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 1, 2, 3, 5, 6, 7, and 8.

Very truly yours,

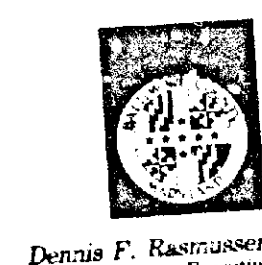
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4300
Paul H. Reincke
Chief

JULY 26, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

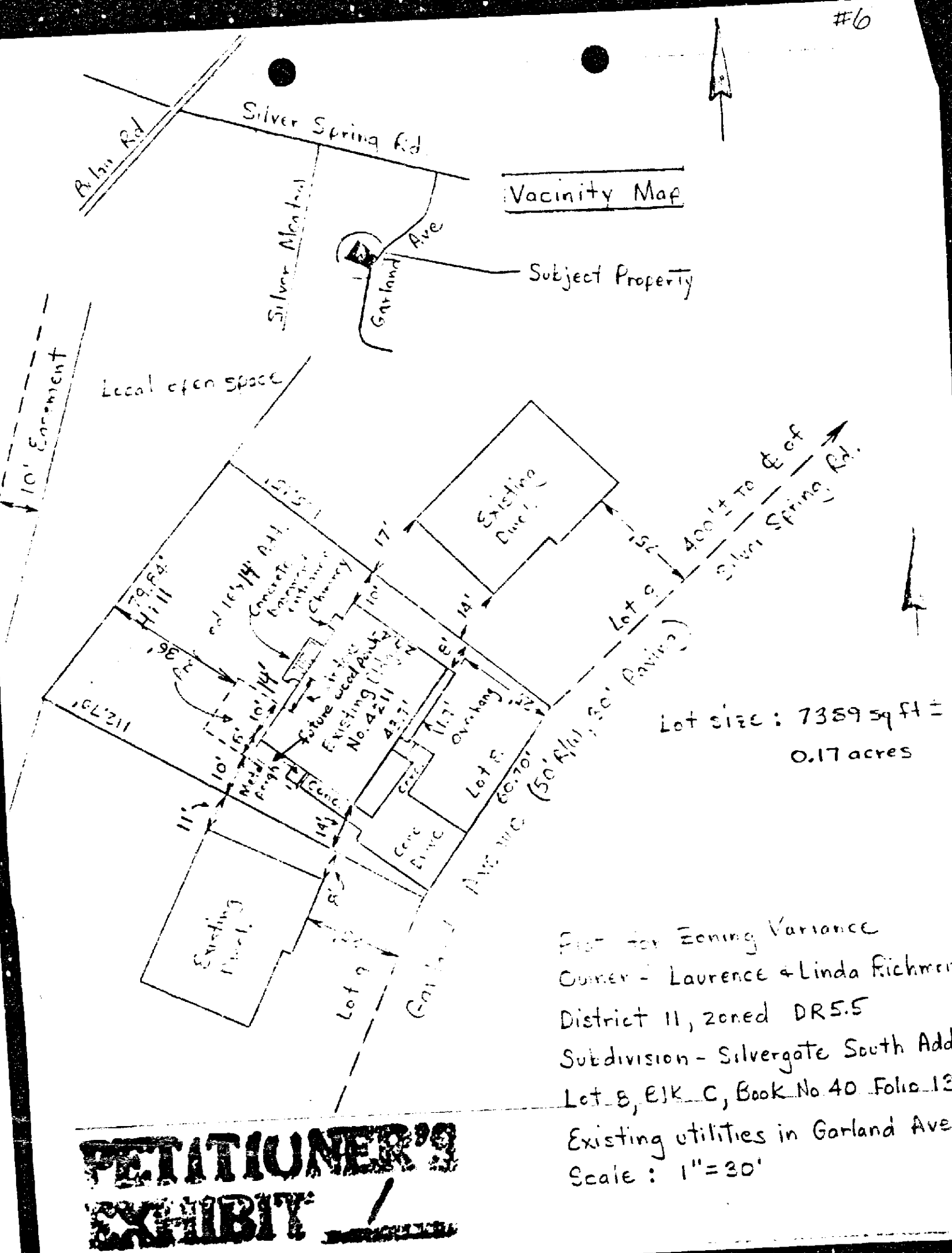


RE: Property Owner: LAURENCE FENBY RICHMOND, JR.
Location: W SIDE OF GARLAND AVENUE
Item No.: 6 Zoning Agenda: JULY 18, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Wm. Bailey* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK



PETITIONER'S
EXHIBIT 2

North side 4213 Garland Avenue

South side 4211 Garland Ave

